

15 Am. Jur. 2d Civil Rights § 4

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Civil Rights

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II. Federal Constitutional Guarantees of Civil Rights

B. Thirteenth Amendment

§ 4. Civil rights guaranteed by Thirteenth Amendment prohibition of slavery

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Civil Rights](#)  1003

A.L.R. Library

[Application of Section 1 of 13th Amendment to United States Constitution, U.S. Const. Amend. XIII, s1, Prohibiting Slavery and Involuntary Servitude—Labor Required by Law or Force Not as Punishment for Crime, 88 A.L.R.6th 203](#)

[Application of Section 1 of 13th Amendment to United States Constitution, U.S. Const. Amend. XIII, s1, Prohibiting Slavery and Involuntary Servitude—Labor Required as Punishment for Crime, 87 A.L.R.6th 109](#)

The institution of slavery in the United States was abolished in 1865 by the adoption of the Thirteenth Amendment, which provides that neither slavery nor involuntary servitude will exist in the United States, except as punishment for a crime.¹ The prohibition of slavery contained in the Thirteenth Amendment extends not only to slavery per se, but also to the "badges and incidents" of slavery.² The Amendment expressly empowers Congress to enforce the Amendment by appropriate legislation, which power includes the power to enact laws of nationwide application.³ Courts afford Congress ample deference in defining what private actions qualify as badges and incidents of slavery which Congress has authority to abolish pursuant to the Thirteenth Amendment.⁴

Unlike the Fourteenth Amendment, the Thirteenth Amendment is not addressed solely to state action; there has never been any doubt of the power of Congress to impose liability on private persons under § 2 of the Thirteenth Amendment.⁵ The power invested in Congress to enforce the Thirteenth Amendment by appropriate legislation includes the power to enact laws, direct

and primary, operating upon the acts of individuals, whether sanctioned by state legislation or not.⁶ The Thirteenth Amendment does not provide a free-standing, implied private right of action.⁷

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Footnotes

- 1 Am. Jur. 2d, [Involuntary Servitude, Peonage, and Human Trafficking § 12](#).
As to what constitutes involuntary servitude prohibited by the Thirteenth Amendment, see Am. Jur. 2d, [Involuntary Servitude, Peonage, and Human Trafficking §§ 4 to 11](#).
- 2 [Griffin v. Breckenridge](#), 403 U.S. 88, 91 S. Ct. 1790, 29 L. Ed. 2d 338 (1971).
- 3 [District of Columbia v. Carter](#), 409 U.S. 418, 93 S. Ct. 602, 34 L. Ed. 2d 613 (1973).
- 4 [U.S. v. Cannon](#), 750 F.3d 492 (5th Cir. 2014).
- 5 [Griffin v. Breckenridge](#), 403 U.S. 88, 91 S. Ct. 1790, 29 L. Ed. 2d 338 (1971).
- 6 [Jones v. Alfred H. Mayer Co.](#), 392 U.S. 409, 88 S. Ct. 2186, 20 L. Ed. 2d 1189 (1968).
- 7 [Alridge v. Rite Aid of Washington, D.C., Inc.](#), 146 F. Supp. 3d 242 (D.D.C. 2015), *aff'd*, 672 Fed. Appx. 3 (D.C. Cir. 2016).

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